IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 4TH MARCH 2008 / 14TH PHALGUNA 1929

WP(C).No. 7588 of 2008(C)

OS.115/2006 of MUNI-MAGI COURT, DEVICOLAM
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PETITIONER:
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1. **K.RAMAKUMAR, ADVOCATE,**
   S/O. RAMANUNNI, AGED 70, SUMTHRUPTHI,
   KALATHIPARAMBA CROSS ROAD, VALANJAMBALAM,
   COCHIN-682 016.

2. **DR. SREEKUMARI KAV, W/O. K.RAMAKUMAR,**
   AGED 64 YEARS, SUMTHRUPTHI, KALATHIPARAMBA CROSS ROAD, VALANJAMBALAM, COCHIN-682 016.

3. **T.RAMPRASAD UNNI, ADVOCATE,**
   S/O. K.RAMAKUMAR, AGED 37 YEARS, SUMTHRUPTHI,
   KALATHIPARAMBA CROSS ROAD, VALANJAMBALAM,
   COCHIN-682 016.

4. **P.DHANYA, W/O. RAMPRASAD UNNI,**
   AGED 30 YEARS, SUMTHRUPTHI, KALATHIPARAMBA CROSS ROAD, VALANJAMBALAM, COCHIN-682 016.

BY ADV. SRI.C.P.MOHAMMED NIAS
SRI.SAJU.S.A
SMT.SARITHA DAVID CHUNKATH

RESPONDENTS:
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1. **THE SUB COLLECTOR,**
   DEVIKULAM, IDUKKI DISTRICT.

2. **THE TAHSILDAR,**
   DEVIKULAM.

3. **THE VILLAGE OFFICER,**
   ANAVIRATTY VILLAGE, IDUKKI DISTRICT.

4. **THE DISTRICT COLLECTOR,**
   IDUKKI.

BY SENIOR GOVERNMENT PLEADER SRI. D. ANIL KUMAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/03/2008 , THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

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W.P.C. NO. 7588 OF 2008

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Dated this the 4th day of March, 2008.

J U D G M E N T

This writ petition is preferred with a prayer to direct the Munsiff-Magistrate, Devikulam to consider and pass orders in I.A.348/08 before proceeding with the trial of the suit and also for removing the suit from the list. The suit is one for injunction and I am informed that the matter is listed and an application has been filed with a prayer for issuance of a Commission. The Court has to consider on the facts and circumstances of the case whether issuance of a Commission is a necessary or not with the assistance of the surveyor. Let that be considered by the Court and after taking a decision give a breathing time for the party and then include the suit in the list for trial. So I direct the Court below to consider Ext.P3 application and give a week's time after the disposal of Ext.P3 then include the matter in the list and dispose it of in accordance with law.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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